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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bolivia (Plurinational State of), Cuba, Nicaragua, Russian Federation, Syrian Arab Republic and Venezuela (Bolivarian Republic of): draft resolution

Decision of the Special Committee of 20 June 2016 concerning Puerto Rico

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the 35 resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that more than half of the period 2011-2020, proclaimed by the General Assembly, in its resolution 65/119, of 10 December 2010, as the Third International Decade for the Eradication of Colonialism, has been reached,

Bearing in mind the 35 resolutions and decisions adopted since 1972 by the Special Committee on the question of Puerto Rico contained in the reports of the Special Committee to the General Assembly, in particular those adopted in recent years without a vote,

Recalling that 25 July 2017 marks the 119th anniversary of the intervention in Puerto Rico by the United States of America,

Noting with concern that despite the various initiatives taken in recent years by the political representatives of Puerto Rico and the United States, the process of decolonization of Puerto Rico, in compliance with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee on Puerto Rico, has not yet been set in motion,

Bearing in mind that, on 6 November 2012, a majority of the people of Puerto Rico rejected its current status of political subordination, and that in the context of the significant upsurge of the economic and fiscal crisis in Puerto Rico, such status prevents it from taking sovereign decisions to address their serious economic and

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social problems, including unemployment, marginalization, insolvency, poverty, and issues related to education and health; a situation made worse by the imposition of a Puerto Rico Oversight, Management, and Economic Stability Act by the United States Congress,

Noting with concern that the United States Congress, invoking thereby the plenary powers of Congress under the Territorial Clause of its Constitution, imposed in June 2016 a Financial Oversight and Management Board for Puerto Rico (fiscal oversight board), appointed by the President of the United States to exercise plenary control powers over the elected executive and legislative officials of the Government of Puerto Rico in all issues relating to fiscal, economic and budgetary matters, as well as all that concerns the restructuring of the public debt of Puerto Rico,

Further noting that the Supreme Court of the United States, in conformity with the request made by the Department of Justice, decided in June 2016 in the case of *Puerto Rico v. Sánchez Valle*, that the original and ultimate source of governmental power in Puerto Rico lies in the United States Congress, and that any limited concession of self-government to Puerto Rico may be unilaterally revoked by the United States Congress,

Stressing again the urgent need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico,

Noting that the Inter-agency Task Force on Puerto Rico's Status designated by the President of the United States, which submitted its third report on 16 March 2011, reaffirmed that Puerto Rico is a territory subject to United States congressional authority, and that to date the discussion of the issue of status is at a standstill,

Taking note of the declarations adopted at the second, third, fourth and fifth Summits of the Community of Latin American and Caribbean States held in Havana, in Belén (Costa Rica), in Quito and in Punta Cana (Dominican Republic) in 2014, 2015, 2016 and 2017 respectively, in which attention is drawn to the Latin American and Caribbean character of Puerto Rico, note is taken of the resolutions on Puerto Rico adopted by the Special Committee, reiterating that it is an issue of interest for the Community, a commitment is made to continue working, within the framework of international law, and in particular within the framework of General Assembly resolution 1514 (XV), to make the region of Latin America and the Caribbean a territory free of colonialism and colonies, and the Quartet of the Community of Latin American and Caribbean States, is directed, with the participation of other member States that wish to join this endeavour, to present proposals to move forward on this matter,

Taking note also of the Special Declaration on Puerto Rico adopted by the Heads of State and Government of the Bolivarian Alliance for the Peoples of Our America, meeting in Caracas on 4 and 5 February 2012, in which they expressed their strong support for the inalienable right of the people of Puerto Rico to self-determination and full independence; recalled that Puerto Rico is a Latin American and Caribbean nation, with its own unmistakable identity and history, whose rights to sovereignty have been violated by the colonial rule imposed for more than a century; stressed that the cause of Puerto Rican independence concerns the region of Latin America and the Caribbean and their forums for dialogue and political cooperation, especially the Community of Latin American and Caribbean States, which demanded the release of Oscar López Rivera, who was imprisoned under inhumane conditions for 35 years,

Taking note further of the "Panama Proclamation", adopted by the Latin American and Caribbean Congress in support of Puerto Rico's Independence, which was held in Panama on 18 and 19 November 2006 and attended by 33 political parties from 22 countries of the region, of which the conclusions were reaffirmed in the declaration adopted by the Council of the Socialist International in Cascais (Portugal), on 5 February 2013, which expressed support for the repeated and unanimous call of the Special Committee of the General Assembly to consider the colonial case of Puerto Rico and further expressed satisfaction and solidarity with the rejection by a majority of the people of Puerto Rico of the continuation of the current colonial status of Puerto Rico,

Noting the debate in Puerto Rico on the search for a procedure that would enable the process of decolonization of Puerto Rico to begin, and aware of the principle that any initiative seeking a solution to the political status of Puerto Rico should originate from the people of Puerto Rico, and of the fact that, to date, several draft laws in favour of convening a constitutional assembly on status have been presented in Puerto Rico,

Noting also that the consultation carried out by the Government of Puerto Rico on 11 June 2017, with a turnout of under 23 per cent of voters, according to the State Elections Commission of Puerto Rico, was not designed to promote decolonization in accordance with General Assembly resolution 1514 (XV),

Welcoming the unconditional release of the Puerto Rican patriot Oscar López Rivera, effective on 17 May 2017, after serving in United States prisons for more than 35 years for reasons related to the struggle for the independence of Puerto Rico,

Noting the concern of the people of Puerto Rico regarding violent actions, including repression, intimidation, and the forced sampling of DNA against Puerto Rican independence activists, including actions that have come to light through documents declassified by federal agencies of the United States,

Aware that Vieques Island, Puerto Rico, was used for over 60 years by the United States Marine Corps and naval forces to carry out military exercises, with negative consequences for the health of the population, the environment and the economic and social development of that Puerto Rican municipality,

Noting the consensus existing among the people and the Government of Puerto Rico on the need to clean up, decontaminate and return to the people of Puerto Rico all of the lands previously used for military exercises and installations, and use them for the social and economic development of Puerto Rico, as well as on the slowness of the process thus far,

Noting also the constant complaints made by the inhabitants of Vieques Island regarding the continued bombing and the use of open burning as a clean-up method, thereby exacerbating the existing health and pollution problems and endangering civilian lives,

Noting further that in the final document of the Seventeenth Summit Conference of Heads of State and Government of the Non-Aligned Countries, held in Isla Margarita (Bolivarian Republic of Venezuela), on 17 and 18 September 2016, and other meetings of the Movement of Non-Aligned Countries, the right of the people of Puerto Rico to self-determination and independence is reaffirmed under General Assembly resolution 1514 (XV), the Government of the United States is urged to assume its responsibility to expedite a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence and to return the territory and occupied installations on Vieques Island and at the Roosevelt Roads Naval Station to the Puerto Rican people, who

constitute a Latin American and Caribbean nation, and the General Assembly is urged to actively consider the question of Puerto Rico in all its aspects,

Having heard statements and witness accounts representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,[1]

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitutes a Latin American and Caribbean nation that has its own distinct national identity;

3. *Calls again* upon the Government of the United States of America to assume its responsibility to expedite a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence, in accordance and in full compliance with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico, and to take decisions, in a sovereign manner, to address their urgent economic and social needs, including unemployment, marginalization, insolvency and poverty, and issues related to education and health;

4. *Notes with concern* that by virtue of the decision of the United States Congress, under an act entitled "Puerto Rico Oversight, Management, and Economic Stability Act" which mandated the establishment of the Financial Oversight and Management Board, the already weakened area in which the prevailing regime of political and economic subordination in Puerto Rico operates is reduced even further;

5. *Notes* the broad support of eminent persons, Governments and political forces in Latin America and the Caribbean for the independence of Puerto Rico;

6. *Also notes* the debate in Puerto Rico on the implementation of a mechanism that would ensure the full participation of representatives of all sectors of Puerto Rican public opinion, including a constitutional assembly on status with a basis in the decolonization alternatives recognized in international law, and aware of the principle that any initiative seeking a solution to the political status of Puerto Rico should originate from the people of Puerto Rico;

7. *Expresses deep concern* over the actions carried out against supporters of Puerto Rican independence, and encourages the investigation of those actions with the necessary rigour and with the cooperation of the relevant authorities;

8. *Requests* the General Assembly to consider the question of Puerto Rico comprehensively and in all its aspects, and to decide on this issue as soon as possible;

9. *Urges* the Government of the United States, in line with the need to guarantee the legitimate right of the Puerto Rican people to self-determination and the protection of their human rights, to complete the return of occupied land and installations on Vieques Island and in Ceiba to the people of Puerto Rico, respect fundamental human rights, such as the right to health and economic development, and expedite and cover the costs of the process of cleaning up and decontaminating the areas previously used in military exercises through means that do not continue

[1] A/AC.109/2017/L.13.

to worsen the serious consequences of its military activity in order to protect the health of the inhabitants of Vieques Island and the environment;

10. *Welcomes* the unconditional release of Puerto Rican patriot Oscar López Rivera, who served 35 years in United States jails for reasons related to the struggle for the independence of Puerto Rico;

11. *Takes note with satisfaction of* the report prepared by the Rapporteur of the Special Committee, in compliance with its resolution of 20 June 2016;

12. *Requests* the Rapporteur to report in 2017 on the implementation of the present resolution, including new developments relevant to a process of decolonization of Puerto Rico, in accordance with resolution 1514 (XV);

13. *Decides* to keep the question of Puerto Rico under continuous review.